



City of Albuquerque

Legislative File Number OC-06-4 (version 1)

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## **CITY OF ALBUQUERQUE CITY COUNCIL**

### **Request for Exemption From Volcano Heights Moratorium**

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**DATE: August 7, 2006**

On October 4, 2004 the City Council imposed a six month moratorium on certain new construction within the Volcano Heights Area. The moratorium was extended for a one year period on April 18, 2005. On March 6, 2006 the moratorium was extended and amended. One amendment to the moratorium added Section 8 which allows the City Council to grant exemptions:

“Section 8. The City Council may grant an exemption from the moratorium identified in this Resolution if:

- A. The proposed development is consistent with the principles of development that are identified in the Volcano Heights Planning Study Report (received by the Council on April 4, 2005); and
- B. The City Council finds that the application of this moratorium would deprive the applicant of the reasonable use of its property as defined under New Mexico or federal law; and
- C. The proposed development is consistent with any interim standards for development in the Volcano Heights planning area that are adopted after the effective date of this Resolution.”

There is now a Request for an Exemption which has been requested pursuant to the provision of Section 8. Staff determined that the best way to bring this before Council is by this Other Communication.

The Request for an Exemption is set forth in the attached letter. The person making the request has been notified that this will **not** be scheduled for a formal hearing and all documents in support of the request must be sent to Council staff by August 14 for consideration at the August 21 Council meeting.

Any additional written argument in support of the request is also due that date.

